

PETITION FOR SPECIAL HEARING 84-119-SPH TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and upon a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve non-conforming usage of the subject property.

for sales as a second hand thrift shop & garage for general residential storage.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

Michael Rife

(Type or Print Name)

Signature

Address

City and State

Signature

(Type or Print Name)

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RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER

NE Corner of Baltimore Ave. & Willow Spring Rd., 12th District

MICHAEL RIFE, Petitioner : Case No. 84-119-SPH

OF BALTIMORE COUNTY

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or date which may be now or hereafter designated therefor, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmersman
Deputy People's Counsel

John W. Hessian, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 10th day of October, 1983, a copy of the foregoing Order was mailed to Leonard J. Levine, Esquire, 410 Court Square Building, Baltimore, MD 21202, Attorney for Petitioner.

John W. Hessian, III

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 25, 1983

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Chairman

MEMBERS

Bureau of Engineering

Department of Traffic Engineering

State Roads Commission

Bureau of Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Zoning Administration

Industrial Development

Leonard J. Levine, Esquire
410 Court Square Building
Baltimore, Maryland 21202

RE: Item No. 48 - Case No. 84-119-SPH
Petitioner - Michael Rife
Special Hearing Petition

Dear Mr. Levine:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

In view of your proposal to prove that part of the existing garage enjoys a legal nonconforming use for sales, this hearing is required.

This property was the subject of a previous zoning hearing (Case No. 83-39-A) and is also the subject of an active zoning complaint (C-83-568), which precipitated this hearing.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:mr

Enclosures

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Zoning Commissioner

TO: Office of Planning and Zoning

Date: September 20, 1983

FROM: Ian J. Forrest

SUBJECT: Zoning Variance Items

The Baltimore County Department of Health has reviewed the following zoning items and does not anticipate any health hazards at this time regarding these items.

- Item # 44 - George Mehring
- Item # 45 - Edward I. & Sharon Klawansky
- Item # 48 - Michael Rife

Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

LJF/rth

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

September 16, 1983

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item 48 (1983-1984)
Property Owner: Michael Rife
N/E cor. Baltimore Ave. and Willow Spring Rd.
Acres: 26.87 x 125 District: 12th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

The comments supplied in connection with the Zoning Advisory Committee review of this property for Item 247 (1981-1982) are referred to for your consideration.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 48 (1983-1984).

Very truly yours,

ROBERT A. MORTON, P.E., Chief
Bureau of Public Services

RAM:EM:FW:SS

P-S Key Sheet
15 SE 17 Pos. Sheet
SE 4 E Topo
103 Tax Map

Attachment

June 16, 1982

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item 247 (1981-1982)
Property Owner: Michael J. Rife
N/E corner Baltimore Avenue and Willow Spring Road
Acres: 26.87 x 125 District: 12th

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

Baltimore County highway and utility improvements exist and are not directly involved.

Willow Spring Road and Baltimore Avenue, existing public roads, are proposed to be improved in the future as 40 and 30-foot closed section roadways on 70 and 40-foot rights-of-way, respectively, with fillet areas for sight distance at their intersection.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 247 (1981-1982).

Very truly yours,

(SIGNED) ROBERT A. MORTON
ROBERT A. MORTON, P.E., Chief
Bureau of Public Services

RAM:EM:FW:SS

cc: Jack Winkley

P-S Key Sheet 15 SE 17 Pos. Sheet
SE 4 E Topo 103 Tax Map

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

September 1, 1983

Mr. William Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 43, 44, 45, 46, 47, and 48 - Meeting of August 16, 1983
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Hammond:

The Department of Traffic Engineering has no comments for item numbers 43, 44, 45, 46, 47, 48.

Michael S. Flanigan
Traffic Engineer Assoc. II

MSF/ccm

FEB 23 PM

FEB 23 1964

McK v. Balto. County, 39 Md. App. 257 (1948).

The remaining issue is whether the failure of Mr. and Mrs. Rife to raise the issue at the time of the contract was a failure to exercise due diligence in order to inspect to use the new building as a commercial venture at the time of their various requests. The court found that the Rifes' failure to inspect the building and request should effect negatively their claim now that there exists a nonconforming use. Mr. and Mrs. Rife's excuse is that they did not know, that they were not represented except by the contractor who was to build the new building. They argue that there was no intent to deceive and no intent to evade the zoning regulations. Their excuse, although stretched to the limit, is accepted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 9th day of November, 1983, that the Petition for Special Hearing to determine a nonconformancy use for a second-hand tire shop only and garage for general residential storage and the parking of Mr. and Mrs. Rife's personal automobiles, more specifically described above and on Petitioner's Exhibit 1, be and is hereby GRANTED, from and after this Order.

[Signature]
Zoning Commissioner of
Baltimore County

PLAT FOR SPECIAL HEARING
SCALE: 1" = 10'
SECTION DISTRICT 12 PRECINCT
ZONING - DR 10.5
PUBLIC UTILITIES EXIST

1. Compliance with the comment, submitted to the Dept. of Permits and Licenses, dated June 11, 1964.
2. The accessory building shall not be used for the repair of motor vehicles.
3. A posted fire plan, indicating thereon the specific areas, general means of egress, and/or specific care for the building and/or storage, shall be maintained in the Office of the Department of Public Works and the Office of Planning and Zoning.

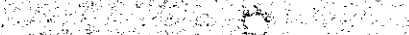

*RESTRICTIONS FOR USE: # B-3/A

44-38861-114
SECTION
DISC NO. 113
TYPE SP-1
RECORDED BY [Signature]
INDEXED BY [Signature]
FILED BY [Signature]

Leonard J. Levine, Esquire
410 Court Square Building
Baltimore, Md. 21202

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
16th day of August, 1983.


 ARNOLD FASLON
 Zoning Commissioner
 Received by: 
 Michael Rife
 Petitioner's
 Attorney Leonard J. Levine, Esquire
 Nicholas S. Gonsoula
 Chairman, Zoning P1

CERTIFICATE OF POSTING
U.S. DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 12 Date of Posting: 10/9/83
 Posted for: Relief for Special Training
 Petitioner: Michael R. P.
 Location of property: W. K. Mallon's ace and miller
training id.
 Location of Sign: boundary intersection of Mallon's and
N. Low Training
 Remarks: _____
 Posted by: Don J. Gorman Date of return: 10/14/83
 Signature

[illegible]

**Dundalk Shop Owner Tangles With
County Zoning Office**
Thompson. "But
hood, by Rife to
the old building.


of Planning & Public Works a revised sign plan for the city. The city council has the right to follow through on the sign plan. The city council has the right to follow through on the sign plan. The city council has the right to follow through on the sign plan.

CERTIFICATE OF PUBLICATION

TOWSON, MD., _____ October 13, _____, 1983

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., ~~was~~ not of one time ~~xxxxxx~~ xxxxxx before the 2nd day of November, 1983, the ~~last~~ publication appearing on the 11th day of October, 1983.

THE JEFFERSONIAN,
L. Frank Struble
 Manager.
 Cost of Advertisement, \$ 22.75



**PETITIONER'S
EXHIBIT**

State of Maryland

LICENSE

No. 03211344

1978

Felt, Cynthia K. & Wife, Deborah J.
2ND West Thrift Shop
315 Willow Spring Road
Baltimore, Maryland 21222

CLASS	LOAD	TYPE OF LICENSE	NO. DRIVEN	POINTS	
71	1.0	TRAMERS	1	7.50	

ISSUED **097560**

10 785094

ISSUING FEES **1.00**

TOTAL 8.50

DATE OF ISSUE
NO. DAY YR.
1-10-79
IMPORTED DATE
4
89178

ISSUED BY: **Elmer H. Kahline, Jr., Clerk**
Circuit Court For Baltimore County
601 Park Lane Ave. Towson, Md. 21204

THIS LICENSE SHOULD BE PUBLICLY DISPLAYED

AND EXPIRES ON THE LAST DAY OF APRIL. 401 ROSIE AVE., LONDON, ENGL.

FFA 23-1